charged with violating; and the statute itself does not give a fair warning that state land use laws apply to an Indian on an Indian reservation.

IV.

THE ALLEGATIONS OF THE PRESENCE OF "GARBAGE, PAPERS, AND GENERAL DEBRIS" ARE IRRELEVANT TO A PROSECUTION UNDER PUBLIC RESOURCES CODE §4291.

The state's continued reference, both in the complaint and in its present brief (p.3), to the presence of "garbage, papers, and general debris" upon petitioner's land is without legal significance and is irrelevant to the present proceedings. Public Resources Code §4291 makes no reference to any of these items, but forbids only "flammable vegetation or other combustible growth." None of the items mentioned can reasonably be considered "vegetation" or "growth" and therefore have no bearing on this case.

Dated: September 23, 1971

Respectfully submitted,

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